IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Ishwar Lal. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 298/2006
against the order dated 21-11-2005 passed
by the Addl. Chief Judicial Magistrate No.3,
Jodhpur, in Criminal Case No. 341/2002.

...

Date of Order: September 05, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Anuj Sahlot, for the petitioner.
Mr. JPS Chaudhary, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 21-11-2005 passed by the Additional Chief Judicial Magistrate No.3, Jodhpur (for short, "the trial Court" hereinafter) in Criminal Case No. 341/2002, whereby the application filed by the petitioner under Section 457 of the Code seeking interim custody of vehicle Maruti Zen Car No.RJ.19/1C-3907 was dismissed.

From a perusal of the impugned order and the police investigation diary, as also on hearing the learned Public

Prosecutor, it appears that the petitioner claims to have purchased the said car from Ashok Verma but Ashok Verma has specifically denied to have sold the car to th petitioner. Apart from this, the said car bears the Chasis No.388967 and Engine No.381105, whereas as per the sale certificate, when the car was purchased by Ashok Kumar Verma, it was bearing Chasis No.398508 and Engine No.391729, which is totally different from the chasis and engine numbers mentioned in the Registration Certificate produced by the petitioner. Thus, the engine and chasis numbers of the vehicle and the same recorded in the registration certificate are totally different and, therefore, the matter is under investigation and the vehicle was found to be in suspicious circumstances. Even from the investigation from the dealer, i.e. L.M.J., it no where appears that the said vehicle was ever sold by the said dealer. In the circumstances, therefore,in my view, the trial Court was justified in rejecting the application at this stage.

Consequently, the criminal miscellaneous petition is dismissed. However, it is open for the petitioner to file a fresh application before the trial Court after conclusion of the investigation by the police.

(H.R. PANWAR), J.

mcs